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7 Attorney for Plaintiff

8
9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 ***

12 UNITED STATES OF AMERICA,)	2:18-mj-361-VCF
)	
13 Plaintiff,)	
)	
14 v.)	
)	
15 JOSUE DIAZ-ORELLANA, ET AL.,)	
)	
16 Defendants.)	
)	

17
18 **STIPULATION TO CONTINUE PRELIMINARY HEARING**

19
20 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States
21 Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of
22 America; Ryan Norwood, Assistant Federal Public Defender, counsel for Defendant JOSUE DIAZ-
23 ORELLANA; and Michael J. Miceli, Esq., counsel for Defendant MIGUEL TORRES-ESCOBAR,
24 that the preliminary hearing for the above-captioned matter, currently scheduled for October 11, 2018,
25 at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in
26 no event earlier than one hundred and twenty (120) days.
27

1 This stipulation is entered for the following reasons:

2 1. The Government has made an early production of discovery to the Defendants in an
3 effort to reach pre-indictment plea agreements, and counsel for the Defendants will need more time to
4 review the discovery and discuss it with the Defendants.

5 2. The parties are researching the viability of entering into plea agreements considering
6 the existence of a much larger investigation. Said plea agreements would obviate the need for either
7 a preliminary hearing in this matter or for the Government to present this matter to a federal grand
8 jury. Counsel for the Defendants will need additional time to discuss the Defendants' options with
9 them.
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11 3. Denial of this request for continuance of the preliminary hearing would potentially
12 prejudice both the Defendants and the Government and unnecessarily consume this Court's valuable
13 resources.

14 4. Additionally, denial of this request for continuance could result in a miscarriage of
15 justice.
16

17 5. The additional time requested by this stipulation is excludable in computing the time
18 within which the Defendants must be indicted and the trial herein must commence pursuant to the
19 Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. §
20 3161(h)(7)(B)(i) and (iv).

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6. This is the fourth request for a continuance of the preliminary hearing herein.

DATED: October 10, 2018.

/s/
PHILLIP N. SMITH, JR.
Assistant United States Attorney
Counsel for the United States

/s/
RYAN NORWOOD, AFPD
Counsel for Defendant DIAZ-ORELLANA

/s/
MICHAEL J. MICELI, ESQ.
Counsel for Defendant TORRES-ESCOBAR

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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 ***

6 UNITED STATES OF AMERICA,) **2:18-mj-361-VCF**
7 Plaintiff,) **ORDER CONTINUING**
8 v.) **PRELIMINARY HEARING**
9 JOSUE DIAZ-ORELLANA, ET AL.,)
10 Defendants.)
11

12 **ORDER**

13 Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS**
14 **HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter as to Defendants
15 JOSUE DIAZ-ORELLANA and MIGUEL TORRES-ESCOBAR, currently scheduled for October
16 11, 2018, at the hour of 4:00 p.m., be vacated and continued to February 7, 2019, at the hour of
17 4:00 PM.
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21 _____
UNITED STATES MAGISTRATE JUDGE

22 Dated 10th day of October, 2018.
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